

Mark Feathers, *Pro Se* Defendant  
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**FILED**

OCT 15 2014

*J/C*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No. CV12-03237-EJD

SECURITIES AND EXCHANGE  
COMMISSION

PLAINTIFF,

vs.

SMALL BUSINESS CAPITAL CORP., MARK  
FEATHERS, INVESTORS PRIME FUND, LLC,  
AND SBC PORTFOLIO FUND, LLC

DEFENDANTS.

**ADMINISTRATIVE MOTION FOR  
ORDER SHORTENING TIME ON:**

- **MOTION REQUEST FOR A  
DETERMINATION IF THE  
RECEIVER HAS COMMITTED  
AN ACT OF GROSS  
NEGLIGENCE (COURT  
DOCKET 950)**

**AND**

**A REQUEST TO END THE  
PERMANENT INJUNCTION  
AGAINST MARK FEATHERS**

Ctrm: 4 - 5th Floor  
Date: February 6<sup>th</sup>, 2015  
Time: 9:00 a.m.  
Judge: Hon. Edward J. Davila

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3  
4 Mark Feathers ("Feathers") hereby moves for an order shortening time on his motion as to  
5 determine the gross negligence of Thomas A. Seaman ("Seaman"), receiver, and to end the  
6 permanent injunction on Feathers.


7 The motions are set for hearing on February 6<sup>th</sup>, 2015, the hearing date assigned by the  
8 Court's courtroom deputy. The recent prior pleadings of Seaman indicate his belief that this  
9 lawsuit may be over prior to that date, in which case there may not be an opportunity for a court  
10 determination on the important matters outlined in Feathers' motion.

11 From Seaman's Sixth Interim Fee Application, Court Docket 923, page 5, lines 9 - 11  
12 "The expected time from of closing a sale is end of September, 2014 will lead to a second  
13 significant distribution to investors, and conclusion of the receivership".

14 Feathers requests the motions be heard on the earliest available date. Court pleadings  
15 indicate that many scores of investors are extremely frustrated by the time it has taken for a Court  
16 determination as to Seaman's gross negligence in misleading Feathers and hundreds of fund  
17 investors into believing, inappropriately, that Seaman was a "licensed CPA" (see Court Docket  
18 274, 275 & 297). Seaman's gross negligence occurred on two occasions -- in his violation of  
19 California Civil Code 1710 (fraud of deceit) in accepting his appointment, and another violation of  
20 California Civil Code 1710 (concealment) after his appointment. These investors are looking for  
21 a meaningful opportunity to recoup the substantial losses and hardships they have incurred by way  
22 of Seaman's torts, and a Court determination of gross negligence by Seaman will set these  
23 investors onto a proper path of a recovery against Seaman, and his counsel also, potentially.

24 WHEREFORE, Feathers requests an order shortening time setting the Motions for hearing.

25  
26 Dated: October 15<sup>th</sup>, 2014

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Mark Feathers, in pro per